

## REMARKS

### **I. Introduction**

Claims 10-18 are pending in the present application. Claim 10 has been amended to recite, in relevant parts, that “in an access authorization process, **subsequent to the previous, initial prompt/reply cycle** that is successfully carried out, the at least one remote control transmits to the base device a code word containing a reply.” In view of the following remarks, it is respectfully submitted that all of the presently pending claims 10-18 are allowable, and reconsideration of the pending claims is respectfully requested.

### **II. Rejection of Claims 10-12 and 14-17 under 35 U.S.C. § 102(e)**

Claims 10-12 and 14-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,745,576 (“Abraham”). Applicants respectfully submit that this rejection should be withdrawn for the following reasons.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). It is respectfully submitted that Check, Jr. does not teach each and every limitation of claims 10-12 and 14-18, as explained in detail below.

Claim 10, as amended, recites the following:

10. (Currently Amended) A system for controlling an access authorization, comprising:

a base device including a computer, wherein the base device initially transmits a **prompt signal within a framework of an initial prompt/reply cycle that is successfully carried out**; and

at least one remote control **storing the initially transmitted prompt signal** from the initial prompt/reply cycle;

wherein, in an access authorization process, **subsequent to the previous, initial prompt/reply cycle** that is successfully carried out, the at least one remote control transmits to the base device a code word containing a reply, **the reply being formed at least partially as a function of the prompt signal stored in the at least one remote control**, and wherein the base device receives the code word containing the reply and compares the reply contained in the code word with a required reply, and wherein an access is authorized if the reply contained in the code word agrees with the required reply.

The system for controlling an access authorization, as recited in claim 10, includes a remote control that stores the prompt signal sent by the base device in a **previously successfully performed prompt/reply cycle**, and in a **subsequent access authorization attempt** the remote control transmits to the base device a code word containing a **reply** that is “**formed at least partially as a function of the prompt signal stored in the at least one remote control**, . . . wherein an access is authorized if the reply contained in the code word agrees with the required reply.” In contrast to the above limitations of claim 10, as well as in contrast to the Examiner's assertions, Abraham does not teach or suggest these features, as explained in detail below.

Initially, Abraham fails to teach or suggest “at least one remote control **storing the initially transmitted prompt** signal from the initial prompt/reply cycle” **that has been successfully carried out**. While the Examiner cites column 9, lines 21-24, and column 10, lines 60-62 of Abraham as teaching this feature, nothing in the cited section suggests that the remote control device (terminal) stores the **initially transmitted prompt** signal from **the initial (i.e., previous) prompt/reply cycle that has been successfully carried out**. For example, column 9, lines 21-24 merely describe an initialization process involving a single prompt/reply cycle, and there is no mention of any storing of a prompt signal from **a previous prompt/reply cycle that has been successfully carried out**. Similarly, column 10, lines 60-62 of Abraham merely indicates “cryptographic terminal . . . decrypting said encrypted challenge message using said initial terminal key,” and no mention of any storing of a prompt signal from **a previous prompt/reply cycle that has been successfully carried out**.

In addition to the above, Abraham also fails to teach or suggest the following feature of claim 10: “in an access authorization process, **subsequent to the previous, initial**

**prompt/reply cycle** that is successfully carried out, the at least one remote control transmits to the base device a code word containing a reply, **the reply being formed at least partially as a function of the prompt signal stored in the at least one remote control.**” While the Examiner cites column 9, lines 24-36, and column 10, lines 63-65 of Abraham as teaching this feature, the cited sections of Abraham merely describe an initialization process involving a single prompt/reply cycle, and there is no mention of any storing of a prompt signal from a **previous prompt/reply cycle that has been successfully carried out.**

Applicants respectfully note that Abraham discloses a fundamentally different system and method from Applicants’ claimed invention. Abraham disclose a method and a device for initializing cryptographic terminals in a cryptographic system following the exchange of a defective terminal or the installation of a new terminal. Applicants’ claimed invention is completely different from that of Abraham, since Applicants’ claimed invention has nothing to do with the initialization of new remote control devices (terminals) in an existing cryptographic system; instead, Applicants’ claimed invention deals with an access authorization process subsequent to a previous prompt/reply cycle that has been successfully carried out. Initialization is defined according to column 2, lines 6-7 of Abraham as the secure transmission of a key into the terminal. To this end, a base key, which the manufacturer previously stored in a controller (the base device), is transmitted to the cryptographic terminals. In column 5, lines 16-18 of Abraham, it is expressly indicated that **the base key is designed only for the purpose of initializing the terminals and not for normal operation.** From the base key and from a serial number assigned to each terminal, an **initialization key** is then generated in each terminal. In column 5, lines 25-26 of Abraham, it is again indicated that the initialization key is only used for initializing the terminals and **not for the normal data exchange between terminal and controller.** Following the installation, terminal and controller are able to exchange the data in that within the controller the initialization key stored in the terminal can be determined in a secure manner using the base key. In column 5, lines 43-45 of Abraham, another explicit reference is made to the fact that neither the initialization key stored in the terminals nor the base key of the controller are used to secure data transmission. The initialization of a new or repaired terminal is described in Abraham in columns 9 and 10 with reference to Figures 4 and 5. The controller (base device) according to column 9, lines 43-50 initially receives the serial number of the terminal in order to generate from this number, using the stored base key, an expected initialization key, with the aid of which the controller encrypts a query signal by

using a counter, which query signal is then sent to the terminal (column 9, lines 56 through 60). The terminal first decrypts the received query signal and then again encrypts a reply and sends it to the controller (column 9, lines 21 through 30).

As can be seen from the above explanation, Abraham has nothing to do with the present claimed invention that provides an access authorization system including “at least one remote control **storing the initially transmitted prompt** signal from the initial prompt/reply cycle” **that has been successfully carried out**, wherein “in an access authorization process, **subsequent to the previous, initial prompt/reply cycle** that is successfully carried out, the at least one remote control transmits to the base device a code word containing a reply, **the reply being formed at least partially as a function of the prompt signal stored in the at least one remote control.**”

For at least the foregoing reasons, claim 10 and its dependent claims 11-12 and 14-17 are not anticipated by Abraham.

### **III. Rejection of Claims 13 and 18 under 35 U.S.C. § 103(a)**

Claims 13 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Abraham. Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990).

Applicants note that claims 13 and 18 ultimately depend from claim 10. As noted above, Abraham clearly fails to teach or suggest all of the limitations of parent claim 10. Accordingly, dependent claims 13 and 18 are allowable over Abraham by virtue of their dependence on claim 10.

**CONCLUSION**

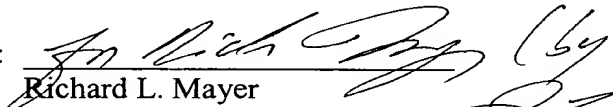
Applicants respectfully submit that all pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Office is authorized to charge any fees associated with this Amendment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

Dated: April 1, 2005

By:

  
Richard L. Mayer  
Reg. No. 22,490

KENYON & KENYON  
One Broadway  
New York, New York 10004  
(212) 425-7200

**CUSTOMER NO. 26646**

*R. no. -  
36,197)*